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8

9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2007-2245

13 **MELINDA KRISTINE WILKINSON, AKA**
MELINDA KRISTI WILKINSON
14 22136 Meadow Vista Way
Redding, California 96003

A C C U S A T I O N

15 Vocational Nurse License No. VN 201672

16 Respondent.
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18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"),
22 Department of Consumer Affairs.

23 **Vocational Nurse License**

24 2. On or about November 4, 2002, the Board issued Vocational Nurse
25 License Number VN 201672 to Melinda Kristine Wilkinson, also known as Melinda Kristi
26 Wilkinson ("Respondent"). The vocational nurse license will expire on August 31, 2010, unless
27 renewed.

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STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

6. Code section 490 states:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 8. Respondent is subject to disciplinary action under Code sections 2878,
4 subdivision (f) and 490, in that on June 14, 2007, in the Superior Court, County of Shasta,
5 California, in the case entitled *People vs. Melinda Kristi Wilkinson* (Sup. Ct., Shasta Cty, 2006,
6 Case No. 06F10915), Respondent was found guilty and convicted by the court of violations of
7 Penal Code sections 273d, subdivision (a) (corporal injury to a child), a felony and 273a,
8 subdivision (b) (child endangerment), a misdemeanor. The victims in this case, Respondent's
9 four daughters, were removed from Respondent's custody. Such conduct is substantially related
10 to the qualifications, functions or duties of a licensed vocational nurse.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
14 Technicians issue a decision:

15 1. Revoking or suspending Vocational Nurse License Number VN 201672,
16 issued to Melinda Kristine Wilkinson, also known as Melinda Kristi Wilkinson;

17 2. Ordering Melinda Kristine Wilkinson, also known as Melinda Kristi
18 Wilkinson to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable
19 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: March 17, 2009

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23 TERESA BELLO-JONES, J.D., M.S.N., R.N.

24 Executive Officer

25 Board of Vocational Nursing and Psychiatric Technicians

26 Department of Consumer Affairs

27 State of California

28 Complainant